

COMMUNITY DEVELOPMENT AGENCY

July 26, 2016

7:00 p.m.

The Chairman called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Committee Members Bixby, Legband, Landholm, Schaller, Anderson, Johnson, Kuhns, and Fairleywine present. 8 Members present.

Public hearing and Resolution approving a Redevelopment Agreement and authorizing Tax Increment Financing Indebtedness for properties described as being part of Sections 25, 26, and 36, all in Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 2200 S Downing St., to hereinafter be known as Project No. 1 – Costco Poultry Complex. Chairman Getzschmen opened the public hearing. Many residents and nonresidents spoke in opposition to and in support of the item. The public hearing was closed after receiving testimony. Committee Member Fairleywine moved, seconded by Committee Member Schaller to approve Resolution 2016-009. Roll Call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Fairleywine, Legband and Landholm voting aye. Motion carried.

Moved by Committee Member Anderson seconded by Committee Member Bixby to adjourn the meeting. Roll call vote: 8 ayes. Motion carried. Meeting adjourned at 7:29 p.m.

CITY COUNCIL MEETING

July 26, 2016

7:00 p.m.

After the Pledge of Allegiance and Study Session, the Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Legband, Bixby, Landholm, Johnson, Kuhns, Fairleywine, Schaller and Anderson present. 8 Council Members present.

Public hearing Resolution approving a Redevelopment Agreement and authorizing Tax Increment Financing Indebtedness for properties described as being part of Sections 25, 26, and 36, all in Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 2200 S Downing St., to hereinafter be known as Project No. 1 – Costco Poultry Complex. Mayor Getzschmen opened the public hearing. Councilmember Schaller moved, seconded by Councilmember Landholm to receive Plaintiffs' Motion for Temporary Injunction and Notice of Hearing. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Fairleywine, Legband and Landholm voting aye. Motion carried. Residents and nonresidents spoke in opposition to and in support of the item. The public hearing was closed after receiving testimony. Councilmember Schaller moved, seconded by Councilmember Johnson to approve Resolution 2016-125. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Fairleywine, Legband and Landholm voting aye. Motion carried.

Public hearing Ordinance approving a request of MBEE, LLC, the owner of approximately 4.2 acres located at 1804 Old Highway 8, for approval of a Zoning Change from R-4 High-Density Residential to LI Limited Industrial. Councilmember Anderson moved, seconded by Councilmember Landholm to receive petition of those that don't support the proposed zoning change. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Fairleywine, Legband and Landholm voting aye. Motion carried. Mayor Getzschmen opened the public hearing. The public hearing was closed after receiving testimony.

Councilmember Kuhns moved, seconded by Councilmember Landholm to introduce the Ordinance. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided first reading.

Public hearing Resolution approving a request of Dodd Engineering & Surveying, LLC, on behalf of MBEE, LLC, owners of approximately 8.4 acres located at 1804 Old Highway 8, for approval of a Conditional Use Permit for a Recycling Center. **Mayor Getzschmen opened the public hearing. The public hearing was closed after receiving testimony.** Councilmember Bixby moved, seconded by Councilmember Schaller to continue the item until action is taken on final reading of the zoning ordinance for 1804 Old Highway 8. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried.

Moved by Council Member Schaller seconded by Council Member Landholm to approve items 7 through 21. Roll Call Vote. Council Members Bixby, Legband, Landholm, Anderson, Johnson, Kuhns, Schaller and Eairleywine voting Aye. 8 Ayes. Motion carried.

7. Dispense with and approve July 7, 2016 minutes and July 12, 2016 minutes
8. Request for a variance to the requirement of the construction of sidewalks at a proposed new construction site located on the west side of Luther Road located north of the Sid Dillon car lot on the northwest corner of 23rd Street and Luther Road.
9. Request for a variance to the requirement of the construction of sidewalks at 1709 Miramar Drive.
10. Consideration of resolution to award contract for construction of 27th Street water main to Thompson Construction, Inc.
11. Approval of July 13 through July 26, 2016 claims and authorize checks to be drawn on the proper accounts.
12. Consideration of Resolution to amend powered activated carbon agreement with Cabot Norit
13. Consideration to allow Fremont Police Department to apply for Wal-Mart Foundation Community Grant
14. Approve acknowledgement of the Tort Claim filed by Victor Granillo Alvarez
15. Approve acknowledgement of the Tort Claim filed by Cristian Ovidio Barcenias
16. Approve acknowledgement of the Tort Claim filed by Joel A. Barcenias
17. Approve acknowledgement of the Tort Claim filed by Erica Kotschwar
18. Approve acknowledgement of the Tort Claim filed by Ross Pesek
19. Approve acknowledgement of the Tort Claim filed by Lucille Schmit
20. Approve acknowledgement of the Tort Claim filed by Don Welty
21. Consideration of Award construction management services, Ridge Road Trail Project

Consideration of construction testing agreement, North Hancock Pavement Reconstruction Project. Councilmember Kuhns moved, seconded by Councilmember Schaller to approve Resolution 2016-131. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried.

Consideration of construction staking agreement, North Hancock Pavement Reconstruction Project. Councilmember Legband moved, seconded by Councilmember Eairleywine to approve Resolution 2016-132. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried.

Interlocal Agreement between Dodge County and City. Councilmember Anderson moved, seconded by Councilmember Schaller to approve Resolution 2016-133. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried.

Consideration of Ordinance 5373 for revision of Government salary 2015-2016. Councilmember Kuhns moved, seconded by Councilmember Legband to introduce the Ordinance. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided first reading. Councilmember Eairleywine moved, seconded by Councilmember Schaller to suspend the rules and move to final reading. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a vote on final reading. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Ordinance carried.

Consideration of Ordinance for Government salary 2016-2017. Councilmember Legband moved, seconded by Councilmember Schaller to introduce the Ordinance. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided first reading.

Consideration of Ordinance for Department of Utilities salary 2016-2017. Councilmember Landholm moved, seconded by Councilmember Bixby to introduce the Ordinance. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided first reading.

Consideration of continuing disclosure amending Ordinance 5374. Councilmember Kuhns moved, seconded by Councilmember Schaller to introduce the Ordinance. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided first reading. Councilmember Legband moved, seconded by Councilmember Landholm to suspend the rules and move to final reading. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a vote on final reading. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Ordinance carried.

Consideration of Resolution for combined utility bond refunding and reissue. Councilmember Bixby moved, seconded by Councilmember Legband to approve Resolution 2016-134. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried.

Consideration of Ordinance 5375 for combined utility bond refunding and reissue. Councilmember Anderson moved, seconded by Councilmember Landholm to introduce the Ordinance. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided first reading. Councilmember Schaller moved, seconded by Councilmember Legband to suspend the rules and move to final reading. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a vote on final reading. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Ordinance carried.

Final reading of Ordinance to amend Subdivision Ordinance related to providing for drainage of subdivision lots. Council member Schaller moved, seconded by Councilmember Landholm to continue the item until August 9, 2016. Roll call vote. Bixby, Kuhns, Schaller, Anderson, Johnson, Eairleywine, Legband and Landholm voting aye. 8 ayes. Motion carried.

Moved by Council Member Landholm seconded by Council Member Bixby to adjourn the meeting. Roll call vote: 8 ayes. Motion carried. Meeting adjourned at 8:36 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Tyler Ficken, City Clerk